IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

And
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1213 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 14/07/2004 in WP No: 14209 OF 2003 on the file of the High Court.)

Between:

1 T. G. Mallikarjuna Setty, S/o. T.G. Lakshmaiah Setty,
R/o. Adoni, Kurnool District.
2 T.G. Lakshmi Subbamma, W/o. T.G. Mallikarjuna Setty,
R/o. Adoni, Kurnool District.

..... APPELLANTS

AND

1 M/s. Jayalakshmi Treaters, Rep, by its Proprietor, A. Reddeppa Setty, Chowdepalli, Chittoor District.
2 The Superintendent of Police, Kurnool.
3 The Station House Officer, 1 Town Police Station, Adoni, Kurnool District.
4 T.G.M. Nagaraju, S/o. Mallikarjuna Setty, Opp. Mysore Bank.

(R-4 is not a necessary party)

.....RESPONDENTS

Counsel for the Appellants: MR.B.PURSHOTHAMA REDDY

Counsel for the Respondent No.1: MR.S.SREENIVAS BHATT

Counsel for the Respondent Nos. 2 & 3: G.P. FOR HOME.

Counsel for the Respondent No.4: ------

The Court made the following:

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Appellants are the aged parents of 4th respondent, and, their grievance is that they are being harassed by the police against whom there is a direction issued by this Court in Writ Petition No. 14209 of 2003 to apprehend and arrest the 4th respondent, who was convicted by this Court by judgment passed in Criminal Appeal Nos. 32 and 33 of 1997. First respondent is the writ petitioner who sought the assistance of the court in seeking direction against respondents 2 and 3 to execute the warrant issued to arrest the 4th respondent so that he may undergo the sentence imposed by the judgment passed in Criminal Appeals 32 and 33 of 1997.

Admittedly, appellants were the aged parents of 4th respondent having nothing to do with the order of conviction passed against the 4th respondent or with the imposition of sentence on 4th respondent. It is for the 2nd and 3rd respondents to ensure compliance of the orders of the learned Single Judge in ensuring that the 4th respondent undergoes the sentence imposed. While procuring the presence of 4th respondent, respondents 2 and 3 cannot unnecessarily harass the parents of 4th respondent. Appeal, accordingly, is allowed with direction that pursuant to any orders passed in Writ Petition No. 14209 of 2003, while executing warrant against 4th respondent, Respondents 2 and 3 or their officials will not harass in any manner, whatsoever, the appellants. Ordered accordingly. No costs.

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DEVINDER GUPTA, C.J.

04.08.2004.

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C.V.RAMULU, J.

VR.

To

1 The Proprietor, A. Reddeppa Setty, M/s. Jayalakshmi Treaters, Chowdepalli, Chittoor District.
2 The Superintendent of Police, Kurnool.
3 The Station House Officer, 1 Town Police Station, Adoni, Kurnool

4. 2 CCs to the Government Pleader for Home, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies.